

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JESSE M. BOWERS

v.

SHEET METAL WORKERS'
NATIONAL PENSION FUND

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No. 3-01-0488
JUDGE CAMPBELL

ORDER

Pending before the Court are the Plaintiff's Motion For Judgment On The Administrative Record (Docket No. 100), and the Defendant's April 18, 2007 Motion For Summary Judgment/Judgment On The Administrative Record (Docket No. 103). The Court heard oral argument on the Motions on July 13, 2007. For the reasons set forth in the accompanying Memorandum, the Motions are DENIED, and this matter is remanded to the Defendant to exercise its discretion as to the application of Section 4.02 of the Plan.

This Order shall constitute the judgment in this case pursuant to Fed. R. Civ. P. 58.

It is so ORDERED.


TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE